

June 1, 2020

Zoning Board of Appeals  
Town of Grafton  
30 Providence Road  
Grafton, MA 01519

RECEIVED TOWN CLERK  
GRAFTON, MA

2020 JUN -8 PH 12: 23



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**Subject: High Point Estates (Adams Road Trust)  
Review of Draft As-Built Plans, Acceptance Plans and Legal Descriptions**

Dear Board Members:

RECEIVED

We received the following documents on May 10, 2020 via email from Trust Corp.:

JUN 04 2020

- Document entitled Grant of Easements – Draft – 5-7-2020.
- Document entitled Grant of Open Space Draft – 5-7-2020.

Zoning Board of Appeals

We also received the following document on May 11, 2020 via email from Patrick C. Garner Company, Inc.:

- Document entitled Inspection Report, Lot 76 dated May 9, 2020, prepared by Patrick C. Garner Company, Inc.

We also received the following documents on May 12, 2020:

- Plans entitled Road Layout Plans, High Point Drive and Pepperbush Court dated October 15, 2018, Sheet 1 last revised April 22, 2020 and Sheets 2, 3, 4 and 5 last revised May 1, 2020, prepared by Patrick C. Garner Co., Inc. (5 Sheets)
- Sheets 1, 2, 3, 4 and 5 of a ten-sheet set of as-built plans dated December 15, 2016 and last revised May 1, 2020, prepared by Patrick C. Garner Co., Inc. (5 Sheets)

We also received the following document on May 18, 2020 via email from Patrick C. Garner Company, Inc.:

- Correspondence from Patrick C. Garner Company, Inc. to Graves Engineering, Inc. dated May 18, 2020, re: Revisions to High Point Estates As-built Plans, Acceptance Plans & Deeds.

In advance of the formal submittal of as-built plans, acceptance plans and legal descriptions, Graves Engineering, Inc. (GEI) was requested to review the draft documents for compliance with Rules and Regulations Governing the Subdivision of Land, Grafton, Massachusetts and for substantial conformance with the approved plans and approved plan modifications. GEI issued its first review letter on February 22, 2017.

This letter is a follow-up to our previous draft as-built plan review letters dated February 22, 2017, February 14, 2019, December 31, 2019, March 11, 2020 and April 30, 2020. For clarity, comments from our previous letters are *italicized* and our latest comments to the project surveyor's responses are depicted in **bold**. For brevity, comments previously addressed by the

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project surveyor and acknowledged by GEI have been omitted. Previous comment numbering has been maintained.

**Our comments follow:**

**As-Built Plan Review**

2. *To be consistent with other subdivisions in Grafton, the as-built plans need to be revised to include street trees and topography (record topography only) within the rights-of-way.*

*December 31, 2019*

*Street trees were added to the as-built plans. Topography still needs to be added to the plans (added to Sheets 2 – 5).*

*March 11, 2020:*

*Street topography was added to the plans. However, the topography is difficult to follow in many locations.*

- *There is a mix of ten-foot contour intervals and two-foot contour intervals. The contour intervals need to be consistent throughout the plans. To be prepared as other Grafton projects, two-foot intervals need to be used.*

*April 30, 2020:*

*This was not addressed. There is still a mix of ten-foot contour intervals (e.g. Sheets 2, 3 and most of Sheet 5) and two-foot contour intervals (Sheet 4 and High Point Drive station 31+50 to 32+50 on Sheet 5). Two-foot contour intervals need to be used.*

**The plans were revised to include topographic contours at two-foot intervals. On Sheet 5, there is a 458 contour missing between the 456 contour at station 31+75+/- and the catch basins (rim elevations = 459.36) at station 31+25+/-.**

18. *On Sheet 10, there is an inconsistency between the detail of Basin 4 and the layout of the drainage pipes to Basin 4 as shown on Sheet 4. Sheet 10 shows a manhole downstream of "MHX5" before the drainage pipe enters Basin 4. This additional manhole was not shown on the layout view on Sheet 4. If there is a manhole installed (as shown on Sheet 10) the pertinent information (rim and invert elevations) must be provided and the manhole must be included on Sheet 4. If there is not a manhole, as shown on Sheet 10, then Sheet 10 must be revised.*

*December 31, 2019*

*Sheet 10 has been revised to eliminate the manhole between MHX5 and Basin 4 and elevation labels were added for the manhole. The pipe invert elevations for the manhole show that the outlet elevation is the same as the inlet elevation but as observed during our site visit on December 24, 2019 the manhole has a drop between the inlet and the outlet pipes. The pipe elevations need to reflect said drop.*

*March 11, 2020:*

*No revisions were made.*

*April 30, 2020:*

*The invert elevation labels were not revised. The labels show similar elevations: 416.64 feet (inlet) and 416.49 feet (outlet). As observed at the site on December 4, 2019, the drop is many feet. The pipe elevations need to reflect said drop.*

**Acknowledged.** Upon further review, the manhole is not a drop manhole. GEI confused this manhole with another nearby manhole. The elevation information appears to be in order.

21. *The plans don't show fences at the four stormwater basins. Per correspondence from the Grafton Conservation Commission to Peter Hingorani dated July 21, 2016, after consulting with Grafton Department of Public Works, the requirement for installing these fences under MassDEP File #164-602 (Order of Conditions) and Grafton Wetlands Permit WP #449 was eliminated. We defer to the Zoning Board of Appeals if it has the same or a differing position under the Comprehensive Permit relative to not installing fences at these locations. Sheets 18 – 20 of the construction plans had shown fences.*

**No further comment.**

22. *We defer to the Zoning Board of Appeals (who may wish to consult with Special Town Counsel) whether the stormwater basins (or portions thereof) located on Open Space will require easements. Our concern is if the Open Space parcels are not conveyed to the Town, the Town may not have the ability to enter onto the Open Space for the purpose of accessing the stormwater basins should the Town become responsible for basin maintenance (e.g. if/when the roads and stormwater infrastructure are conveyed to the Town).*

**No further comment.**

23. *It is our understanding that the Grafton Water District will review the as-built plans relative to the water utility (once this utility's information has been added to the plans). If not already done, the project surveyor may wish to consult with the Grafton Water District relative to their required as-built plan content.*

**No further comment.**

24. *An updated set of as-built plans containing necessary plan revisions will need to be submitted for review. We suggest that at that time, draft acceptance plans (showing the rights-of-way, open spaces and any easements intended to be conveyed to the Town) and legal descriptions should also be submitted for review.*

*December 31, 2019*

*Draft acceptance plans dated October 15, 2018 were submitted and were the subject of the following review comments #25 - #29. Revised acceptance plans were not submitted with the latest set of revised as-built plans.*

*March 11, 2020:*

*Revised acceptance plans were not submitted with the latest set of as-built plans (as-built plans last revised January 20, 2020).*

*April 30, 2020:*

*Legal descriptions and revised acceptance plans were submitted as noted on page 1. Review comments are provided below.*

**Specific review comments are addressed below.**

**Additional Comments, February 14, 2019**

**Acceptance (Road Layout) Plans**

29. *GEI has not performed a detailed review of the acceptance plans, the Grant of Easements and the Grant of Open Space. Customarily, such a submittal would consist of the as-built plans, the acceptance plans and draft metes and bounds descriptions of the rights-of-way and easements that are intended to be conveyed to the Town. Draft metes and bounds descriptions were not submitted. Whereas GEI understands the developer recently received input from the Grafton Planning Department concerning the Determination of Completeness process, GEI would like the opportunity to meet with Town staff relative to procedures and our scope-of-work for reviewing this project's Determination of Completeness documents before commencing a detailed review.*

*December 31, 2019*

*GEI met with Town staff. Draft metes-and-bounds descriptions need to be submitted for rights-of-way and easements that the developer desires to convey to the Town. The acceptance plans and metes-and-bounds descriptions need to include all easements desired to be conveyed to the Town (e.g. easements shown on the approved plans) and any approved changes to easements (e.g. the elimination of the fire cistern easements on Lot 61 and on the Open Space next to Lot 1, elimination of the drainage easement on Lots 50 and 51, and the reconfiguring of drainage and access easements on Lot 48 between High Point Drive and Basin 4).*

*GEI performed additional cursory review of the acceptance plans entitled "Road Layout Plans, High Point Drive" dated October 15, 2018. We noted the following:*

- A. *Access easements associated with the open space were missing at Lots 14, 15 and 20. The plans were revised to include these easement lines; however, the metes and bounds are incomplete. Any parcel, easement or open space that is to be conveyed to the Town needs to be fully identified on the plans by metes and bounds.*
- C. *Drainage easements were missing from the rear of Lots 48 and 49.*

*April 30, 2020:*

*Easement lines that run parallel to the rear lot lines of Lots 48 and 49 were added to Sheet 5 but metes and bounds were not added. Any parcel, easement or open space that is to be conveyed to the Town needs to be identified on the plans and fully described by metes and bounds.*

*The project surveyor responded that the easements paralleling the rear of Lots 48 and 49 were eliminated and referred to easement modification plan dated March 13, 2017. GEI has no information indicating that these easements have been eliminated nor do we have a copy of said easement modification plan. To gain access around the entire perimeter of Basin 4, access over the drainage easements on Lots 48 and 49 is necessary.*

- E. *The plans are missing many of the metes and bounds for the property lines between the Open Spaces and the lots.*

April 30, 2020:

The plans were revised to include a few of the missing metes and bounds. However, for the plans to be complete relative to the Open Space, additional metes and bounds need to be added (e.g. at Lot 8 rear lot line, at the Open Space perimeter from Lot 10 to Lot 33, at the side lot line at Lot 34, at the Open Space perimeter from Lot 41 to Lot 50).

The recently submitted draft Grant of Open Space references a plan at Worcester District Registry of Deeds Plan Book 850, Plan 64. This plan is missing open space metes and bounds along Adams Road north of High Point Drive and at the northwest corner of the project at the rear lot line of n/f Skowronek and Tombari. In GEI's opinion, the acceptance plans should include a complete labeling of the Open Space metes and bounds in order to create a complete record of project information and reflecting modifications approved during the construction phase of the project. GEI respectfully defers to the Zoning Board of Appeals and/or Special Town Counsel for affirmation of said opinion.

**Acknowledged.** The information has been provided on Sheet 1 of the acceptance plans, said plan sheet is entitled "As-Built Lot Layout."

- H. The acceptance plans do not include an access and utility easement on Lots 40 and 41 that was proposed on plans entitled Trench Detail, Lots 40 – 45 & Compensatory Storage Details dated July 25, 2005 and last revised December 13, 2007. This easement was to provide access to a stormwater basin that was proposed as a modification to the approved plans. The applicant needs to identify who will be the responsible party for maintenance of the stormwater basin on Lot 41 and how the responsible party will access the basin.

The drainage easement on Lot 41 was added to Sheet 1 of the acceptance plans and is also included on Sheet 10 of the as-built plans. The project surveyor responded that the responsible party for maintenance of the Basin on Lot 41 is intended to be the Town. The basin does not receive runoff from a street and access to the basin is via the open space parcel (instead of via an easement). GEI defers to the ZBA and DPW whether the Town should consider accepting maintenance responsibilities for this basin and if so, whether access via the open space parcel is acceptable to DPW.

30. GEI requests that documents to be reviewed by our office be submitted in hard copy format. One set of the documents will be sufficient.

December 31, 2019

Unless agreed upon otherwise, a complete set of documents must be submitted for review rather submitting the documents piecemeal so that a comprehensive review of the project's documents can be performed.

No further comment.

#### Additional Comments, April 30, 2020

36. The acceptance plans and legal descriptions should include the amount of land area (in acres or square feet, as appropriate) for each right-of-way, parcel or easement intended to be conveyed to the Town.

**Acknowledged.** Land areas were added to Sheet 1 of the acceptance plans and to the legal descriptions.

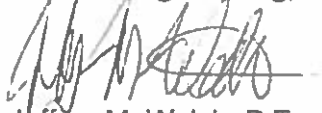
37. *On Sheet 3 of the Road Layout Plans, the lines that delineate the access easement on Lots 69 and 70 were omitted from the latest version of the plans.*  
**Acknowledged. The access easements on Lots 69 and 70 are now shown.**
38. *On Sheet 1 of the Road Layout Plans, the lot number labels for Lots 29, 30 and 31 were assigned to different lots than the approved plans. These new lot numbers are inconsistent with the Grant of Open Space. The lot numbers need to be corrected where necessary for consistency among the various project documents and the Grafton Assessor's maps.*  
**Acknowledged. The lot number labels were corrected.**
39. *On Sheet 4, the drainage easement line on Lot 48 that runs parallel with the rear property line needs to be added.*  
**See comment #29C.**
40. *Legal descriptions were provided for Fern Court, Myrtle Court, and Viburnum Court. These are common driveways that only provide access to house lots. It is GEI's understanding that rights to common driveways are not expected to be conveyed to the Town and therefore these legal descriptions should be removed. If it is determined that Viburnum Court is not intended to provide access to the stormwater basin on Lot 41 then its description should also be removed.*  
**Acknowledged. Legal descriptions for these three common driveways were removed.**
41. *Legal descriptions need to be provided for the 20-foot wide drainage easement located at the rear of Lot 49 and for the 15-foot wide access easement that runs along the eastern sideline of Lot 49. It is GEI's understanding that these easements were not eliminated when the drain easement on Lot 48 was widened.*  
**See comment #29C relative to the 20-foot wide drainage easement located at the rear of Lot 49. A legal description was provided for the 15-foot wide access easement that runs along the eastern sideline of Lot 49.**
42. *The legal description of the drain easement located at the property line between Lots 48 and 49 needs to be revised from 20 feet wide to 50 feet to reflect the changes approved when the access to Basin 4 was modified.*  
**Acknowledged. Two drainage easement descriptions were submitted: one on Lot 47 (description 2c) and the other on Lot 48 (description 2d).**
43. *The rights-of-way legal descriptions follow the rights-of-way centerlines instead of the rights-of-way sidelines. This is unusual and should be discussed among GEI, Town staff and Special Town Counsel to obtain an opinion whether the centerline method is acceptable for the Town's needs.*  
**No further comment. The project surveyor responded that the owner's counsel was consulted.**
44. *The Open Space Parcel 1 legal description is missing many property line lengths; the description only references many lines in general terms (e.g. "... thence proceeding northerly along the rear property lines of Lots 33, 31, 26, 25, 20, 20, 15 and 14..."). It is GEI's understanding that each line length needs to be adequately described. Likewise, the other open space legal descriptions need to include all line or arc lengths.*  
**The Open Space Parcel 1 legal description was revised to include the line or arc lengths, bearings and arc radii as appropriate. One minor correction needs to be made: the line described as N 19 degrees 19 minutes 38 seconds W for 204.12 feet**

actually has a bearing of N 27 degrees 19 minutes 38 seconds W (this line is at the rear of Lots 41 and 42), and the line at the rear of Lot 11.

45. *The Open Space legal descriptions do not include bearings for lines, and radii and the designation "along a curve to the left" or "along a curve to the right" for arcs. It is GEI's understanding that such information is needed.*  
**Acknowledged.** Bearings and radii were added to the descriptions, and the descriptions are much easier to understand. The descriptions for Open Space Parcels 2 and 3 are in order.
46. *The description for Open Space Parcel 1 shows a distance of 2,380.98 feet along the Massachusetts Turnpike right-of-way, however, based upon scaling and dimensions on the approved plans, the distance is 1,940.33 feet. The distance on the legal description needs to be re-checked.*  
**Acknowledged.** Sheet 1 was revised to show a distance of 1,940.33 feet, which represents the distance of the Open Space parcel line that terminates on the east end at the town line separating Grafton and Westboro.
47. *In the middle of the Open Space Parcel 1 description, the line running along a stone wall whose length is 80.77 feet needs to be corrected to 60.77 feet.*  
**Acknowledged.** The description was corrected.
48. *On the Arrowwood Court open space access easement description, the distance of the course running N 56° 54' 02" E need to be re-checked. The distance is 106.88 feet in the description but was drawn approximately 110 feet on the approved plans.*  
**The project surveyor responded that the distance of 106.88 feet is correct and this label was not revised. Sheet 1 of the as-built plans shows a distance label of 111.1 feet and again, both plans sheets have a scaled distance of approximately 110 feet. Something is amiss with the labeling and needs to be corrected.**
49. *The last course (32.16 feet) of the Alder Court open space access easement needs to be corrected from an arc to a tangent and the bearing needs to be provided.*  
**Acknowledged.** The description was corrected.
50. *The bearing of the two courses N(S) 27°19'38" W(E) on the Lot 41 drainage easement needs to be rechecked. The acceptance plans show a bearing of 19°19'38".*  
**Acknowledged.** Sheet 4 of the acceptance plans was corrected.
51. *On the Lots 1 – 7 drainage easement description, the bearing of the courses that cross Lot 3 need to be revised from 50°... to 52°...*  
**Acknowledged.** The description was corrected.
52. *On the Lots 9 and 10 drainage easement description, the bearing of the two courses that cross Lot 10 need to be revised from ...09'... to 49'...*  
**Acknowledged.** The description was corrected.

We trust this letter addresses your review requirements. Feel free to contact this office if you have any questions or comments.

Very truly yours,  
**Graves Engineering, Inc.**



Jeffrey M. Walsh, P.E.  
Principal

Cc: Robert Berger, Grafton Building Inspector  
Christopher McGoldrick, Grafton Town Planner  
Grafton Conservation Commission  
Brian Szczurko, Grafton Engineering Department  
Paul Cournoyer, Grafton DPW  
Patrick C. Garner Co.; Patrick C. Garner Co., Inc.  
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Tim Barlow, Barlow Construction